

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRAVELERS CASUALTY AND SURETY COMPANY as
Administrator for RELIANCE INSURANCE COMPANY,

Plaintiff,

vs.

DORMITORY AUTHORITY - STATE OF
NEW YORK, TDX CONSTRUCTION CORP and KOHN,
PEDERSON, FOX ASSOCIATES, P.C.,

Defendants.

DORMITORY AUTHORITY OF THE STATE OF NEW
YORK AND TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

vs.

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

TRATAROS CONSTRUCTION, INC. and TRAVELERS
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

vs.

CAROLINA CASUALTY INSURANCE COMPANY, et. al.,

Fourth-Party Defendants.

Case No. 07-CV-6915 (DLC)

ECF Case

**NOTICE OF ALLIED
WORLD ASSURANCE
COMPANY (U.S.) INC.'S
MOTION TO DISMISS
PURSUANT TO
FED.R.CIV.P. 12(b)(6)**

PLEASE TAKE NOTICE, that upon the Declaration of Diana E. Goldberg dated January 11, 2008, and the exhibits annexed thereto including the Affidavit of Alfred Bodi, dated January 9, 2008, and upon the accompanying Memorandum of Law and all prior pleadings and proceedings in this action, fourth-party defendant Allied World Assurance Company (U.S.) Inc.

("Allied World"), by and through its attorneys, Mound Cotton Wollan & Greengrass, will move this Court, Hon. Denise L. Cote, U.S.D.J., at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, on a date and time to be determined by the Court, for an Order, dismissing the Fourth-Party Complaint against Allied World pursuant to Fed. R. Civ. P. 12(b)(6) and awarding legal fees, costs, and such other and further relief to Allied World as the Court deems just and proper.

Dated: New York, New York
January 11, 2008

MOUND COTTON WOLLAN & GREENGRASS

By: s/Diana E. Goldberg
Diana E. Goldberg (DG-3283)
One Battery Park Plaza
New York, NY 10004-1486
Tel.: (212) 804-4200
E-mail: *dgoldberg@moundcotton.com*

Attorneys for Fourth-Party Defendant Allied World
Assurance Company (U.S.) Inc.

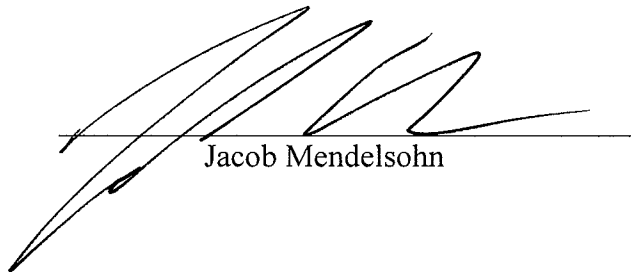
AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss.:

Jacob Mendelsohn, being duly sworn, deposes and says:

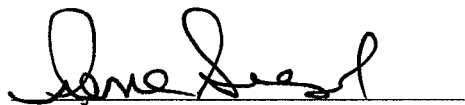
Deponent is not a party to this action, is over the age of 18 years, and resides in Kings County, New York.

That on the 11th day of January, 2008, deponent served upon all parties the annexed Notice of Allied World Assurance Company (U.S.) Inc.'s Motion to Dismiss Pursuant to Fed.R.Civ.P. 12 (b)(6); Declaration of Diana E. Goldberg in Support of the Motion to Dismiss the Fourth-Party Complaint Against Fourth-Party Defendant Allied World Assurance Company (U.S.) Inc. via the Court's ECF System.



Jacob Mendelsohn

Sworn to before me this
11th day of January, 2008



Notary Public

IRENE SIEGEL
Notary Public State of New York
No. 41-4872330
Qualified in Queens County
Commission Expires October 14, 2010